

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
5 Filed 03/20/14 Page 1 of 5  
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X **ORIGINALE**

UNITED STATES OF AMERICA

— V. —

CORY CUNNINGHAM,

Defendant.

## INDICTMENT

INDUSTRIAL  
**14 CRIM 192**

COUNT ONE

(Distribution of Child Pornography)

The Grand Jury charges:

1. From in or about 2012 through in or about February 2014, in the Southern District of New York and elsewhere, CORY CUNNINGHAM, the defendant, knowingly did distribute child pornography, and material that contained child pornography, that had been mailed and, using a means and facility of interstate and foreign commerce, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, CUNNINGHAM distributed files containing child pornography over the Internet.

(Title 18, United States Code, Section 2252A(a)(2).)

COUNT TWO

(Possession of Child Pornography)

The Grand Jury further charges:

2. From in or about 2012 through in or about February 2014, in the Southern District of New York and elsewhere, CORY

CUNNINGHAM, the defendant, knowingly did possess and access with intent to view a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported in interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, CUNNINGHAM possessed videos and images of child pornography at a location in New York, New York.

(Title 18, United States Code, Section 2252A(a)(5).)

FORFEITURE ALLEGATION

3. As a result of committing the offenses alleged in Counts One and Two of this Indictment, to wit, distribution of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(2), and possession of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(5), CORY CUNNINGHAM, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, (i) any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of chapter Title 18, United States Code, Chapter 110, or any book, magazine, periodical, film, videotape,

or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of that chapter; (ii) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses alleged in Counts One and Two of this Indictment; and (iii) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to the offenses alleged in Counts One and Two of this Indictment.

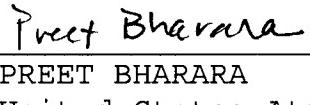
Substitute Asset Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
  - a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property that cannot be subdivided without difficulty, it is the intent of the United States, pursuant to Title 18, United States Code, Section

982(b), and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853(p).)

  
Larie Sontheimer  
FOREPERSON

  
Preet Bharara  
PREET BHARARA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

CORY CUNNINGHAM,

Defendant.

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INDICTMENT

(18 U.S.C. §§ 2252A(a)(2) and (a)(5))

PREET BHARARA

United States Attorney.

A TRUE BILL

Marie Donthorne  
Foreperson.

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3/20/14 - Filed Indictment.  
AC Just assigned to Judge Koele  
Judge Meissner USWD